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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Group No.: 3676

Serial No.: 10/602,525

Examiner:
Christopher J. Boswell

Filing Date: 24 June 2003

Title: CODED LOCK II

Customer No.: 42419

RESPONSE TO FINAL REJECTION

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the final Office Action mailed 08 March 2005,
Applicants respectfully submit the following remarks.

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and
Trademark Office on the date shown below.

Mark D. Swanson

Type or print name of person signing certification

Mark Swanson

Signature

5/9/05

Date

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Request for an Additional Telephone Interview

In view of the Examiner's comments on page 4 of the final Office Action and the discussions of the previous telephone interview, Applicants respectfully request the Examiner grant an additional telephone interview. Applicants kindly request the Examiner to contact the undersigned at (847) 490-1400 to schedule another telephone interview.

Claim Objection

The phrase "one of" is neither a mistake nor in the wrong position. Claim 1 reads "a switching element (35) emitting a switching signal when the blocking piece (24) **one of** reaches the locking position and transitions from the opened position into the locking position" (emphasis added).

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-5, 7-12, and 14-17 under 35 U.S.C. §102(b) as anticipated by Mochida, U.S. Patent 4,250,976, is respectfully traversed.

Applicants previously amended Claim 1 to recite that the switching element (35) is operated one of indirectly and directly by the operating part (40) for emitting the switching signal. The switching signal is emitted by the switching

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element to communicate that a blocking piece has reached the locking position or makes a transition from the opened position into the locking position (Specification, page 2, last paragraph).

The Mochida Patent discloses a steering lock device 34 incorporating a safety system 36 (Col. 1, lines 37-48). In the Mochida Patent, the safety system 36 includes a switch 28 to activate a solenoid 62. The switch 28 is operated upon by a vehicle motion sensing system, not a lever or other part in the lock 34, such as in Applicants' claimed invention. The switch 28 is only activated by movement of the vehicle. The switch 28 is not operated by any element of the lock.

In response to Applicants' arguments that the switch 28 is not operated by any element of the lock 34, the Examiner alleges, on page 4 of the final Office Action, the Mochida Patent, at Col. 4, lines 7-24, discloses:

the switch opens or closes with respect to the rotation movement and location of the ignition key with the rotor, and thus the switching element is operated indirectly by the operating part for opening or closing the switching element.

The Examiner's above statement is incorrect. The switch 28 of the Mochida Patent does not open or close based upon the rotation of the ignition key 22. As discussed above, the switch 28 is only activated and deactivated by the movement of the vehicle, and not by any element of the lock 34.

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The switch 28 of the Mochida Patent is not operated by the Examiner identified "operating part" 50a (from pages 2 and 3 of the Office Action). The opposite actually occurs, as the switch 28 indirectly acts upon the plunger rod 54 (col. 4, lines 44-46) to keep the bolt unlocked. The switch 28, along with the solenoid 62, is part of the secondary safety system 36 to keep the plunger rod 54 from falling, and thus to keep the bolt 18 from engaging, while the vehicle is moving and when the key is accidentally turned to the LOCK position shown in FIG. 4 (Col. 4, lines 38-46).

In the Mochida Patent, the switch 28 operates (opens and closes) only by the movement of the vehicle and not by any part of the steering lock device 34. While the ignition key 22 is turned to the ON position shown in FIG. 4 in order to allow vehicle movement, the Mochida Patent is clear that the switch 28 operates according to vehicle motion and not by any movement of the ignition key 22 or any part of the lock device 34. As Col. 4, lines 20-24, the Mochida Patent states:

When the vehicle starts to move due to positioning the key 22 into "ON" position, the switch 28 closes to energize the solenoid 62. In this condition, however, the plunger rod 54 and thus the locking bolt 18 do not move since they have been already lifted up by the cam 48. (emphasis added).

When the vehicle stops, the switch 28 is deactivated due to the vehicle stopping, and not due to the turning of the ignition key 22 or the movement of the plunger rod 54.

As stated at Col. 4, lines 25-28:

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When, then, the vehicle comes to halt, the switch 28 opens to de-energize the solenoid 62. In this condition, however, the plunger rod 54 and thus the locking bolt 18 **do not move** for the same reason as mentioned above. (emphasis added).

In the Mochida Patent, the ignition key 22 is turned to lift the locking bolt 18 into the unlocked position, through cam 48 acting upon the projection 50a of the hanger rod 50 (Col. 4, lines 14-19). Once the locking bolt 18 is in the unlocked position, and the vehicle starts to move, the switch 28 is closed due to the vehicle's movement. The closed switch 28 activates the solenoid 62 to hold the plunger rod 54 in the unlocked position to ensure the bolt 18 doesn't fall into the locking position due to accidental turning of the ignition key 22 during vehicle movement (Col. 4, lines 38-46). The function of the safety system 36 requires the operation of the switch 28 and the safety system 36 to be independent of the turning of the ignition key 22.

As discussed above and as can be seen in FIG. 3 of the Mochida Patent, the switch 28 indirectly operates the plunger rod 54, and thus the bolt 18, through the solenoid 62. But the Examiner's position that the hanger rod 50, projection 50a, and/or plunger rod 54 operate(s) the switch 28 is clearly not supported by the teachings of the Mochida Patent.

The movement of the hanger rod 50, projection 50a, and/or plunger rod 54 in the Mochida Patent does not cause the switch 28 to open or close. Only the movement of the vehicle causes the switch to open or close. The Mochida Patent